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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

TIBCO SOFTWARE INC.,

CASE NO. 3:14-cv-02782-JD

Plaintiff,

## **NOTICE OF APPEAL**

VS.

BANK OF AMERICA CORPORATION;  
BANK OF AMERICA, NATIONAL  
ASSOCIATION; MERRILL LYNCH,  
PIERCE, FENNER & SMITH, INC.

#### Defendants.

1           **NOTICE IS HEREBY GIVEN** that Plaintiff TIBCO Software Inc. appeals to the United  
2 States Court of Appeals for the Ninth Circuit from the October 1, 2014 order compelling  
3 arbitration and dismissing the case, and each and every part thereof. *See, e.g., Johnmohammadi v.*  
4 *Bloomingdale's, Inc.*, 755 F.3d 1072, 1074 (9th Cir. 2014) (holding order compelling arbitration  
5 and dismissing case to be a final appealable order).

6           Plaintiff's Representation Statement is attached to this Notice as required by Ninth Circuit  
7 Rule 3-2(b).

8  
9 DATED: October 31, 2014

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

10  
11 By /s/Claude M. Stern

12           Claude M. Stern

13           Attorneys for Plaintiff TIBCO SOFTWARE INC.